

House, informed the House that he had been served with an order to appear and answer oral interrogatories issued by the Superior Court of the State of Arizona. The order was sent to the desk whereupon the Speaker⁽¹⁹⁾ instructed the Clerk to read it to the House. At the conclusion of the reading, the House agreed to a privileged resolution⁽²⁰⁾ offered by Mr. Carl Albert, of Oklahoma, authorizing the Member to appear in response to the order at any time when the House had adjourned to a day certain for a period in excess of three days.

§ 15. Service of Grand Jury Subpena

Federal Grand Jury Subpena

§ 15.1 The receipt by a Member of a subpoena to appear before a federal grand jury gives rise to a question of the privilege of the House.

On July 15, 1963,⁽¹⁾ the Chair recognized Mr. Edmond

Edmondson, of Oklahoma, on a question of the privilege of the House:

MR. EDMONDSON: Mr. Speaker, I rise to a question of the privilege of the House.

THE SPEAKER:⁽²⁾ The gentleman will state it.

MR. EDMONDSON: Mr. Speaker, I have received a summons to appear before the grand jury of the U.S. District Court for the District of Columbia on Tuesday, July 16, 1963, at 9 o'clock a.m., to testify in the case of the United States against Jessie Lee Bell.

Under the precedents of the House, I am unable to comply with this summons without the consent of the House, the privileges of the House being involved. I, therefore, submit the matter for the consideration of this body.

Mr. Speaker, I send to the desk the summons.

THE SPEAKER: The Clerk will report the summons.

At the conclusion of the Clerk's report, a resolution⁽³⁾ offered by Mr. Carl Albert, of Oklahoma, authorizing the Member to appear in response to the summons, was agreed to.

State Grand Jury Subpoena

§ 15.2 A subpoena to a Member requiring his appearance before a state grand jury gives rise to a question of the privilege of the House.

2. John W. McCormack (Mass.).

3. H. Res. 436.

19. John W. McCormack (Mass.).

20. H. Res. 1155.

1. 109 CONG. REC. 12488, 88th Cong. 1st Sess. For additional examples see 95 CONG. REC. 5544, 5545, 81st Cong. 1st Sess., May 3, 1949; and 88 CONG. REC. 1267, 77th Cong. 2d Sess., Feb. 16, 1942.

On May 9, 1962,⁽⁴⁾ Mr. Frank W. Boykin, of Alabama, rising to a question of the privilege of the House, informed the House that he had been subpoenaed to appear before the grand jury of the Circuit Court for Montgomery County, Maryland. The subpoena was sent to the desk whereupon, the Speaker⁽⁵⁾ instructed the Clerk to read it to the House. At the conclusion of the Clerk's reading, the House agreed to a privileged resolution⁽⁶⁾ offered by Mr. Carl Albert, of Oklahoma, authorizing the Member to appear in response to the subpoena.

§ 16. Service of Process on House, Its Officers, or Employees

Service of Process Naming the House

§ 16.1 The receipt of a summons and complaint naming the House of Representatives

4. 108 CONG. REC. 8006, 87th Cong. 2d Sess. For further illustrations see 108 CONG. REC. 7945, 87th Cong. 2d Sess., May 8, 1962; 108 CONG. REC. 7816, 7817, 87th Cong. 2d Sess., May 7, 1962; and 105 CONG. REC. 1623, 86th Cong. 1st Sess., Feb. 2, 1959.
5. John W. McCormack (Mass.).
6. H. Res. 630.

as the defendant in a civil action pending in a federal court raises a question of the privilege of the House.

On Dec. 13, 1973,⁽⁷⁾ the Speaker⁽⁸⁾ laid before the House as a matter giving rise to a question of the privilege of the House the following summons:

SUMMONS IN A CIVIL ACTION

[In the U.S. District Court for the Northern District of California, civil action file No. C 73 2092GBH]

Earle Ray Esgate, Plaintiff, v. Donald E. Johnson, Board of Veterans Appeals, the United States House of Representatives, the United States Senate, the President of the United States, as Commander in Chief of the Armed Forces of the United States, and as Co-Defendant United States Army and United States Army Medical Corps.

To the above named Defendant: You are hereby summoned and required to serve upon The plaintiff; acting as his own attorney and whose address is below: plaintiff's attorney, whose address Earle Ray Esgate, 1099 Topaz Ave. Apt. 6, San Jose, California, 95117, Phone 296-8182 an answer to the complaint which is herewith served upon you within 60 days after service of this summons upon you, exclusive of

7. 119 CONG. REC. 41258, 93d Cong. 1st Sess. For additional examples see 118 CONG. REC. 29136, 92d Cong. 2d Sess., Aug. 18, 1972; 118 CONG. REC. 17398, 92d Cong. 2d Sess., May 16, 1972; and 117 CONG. REC. 1503, 92d Cong. 1st Sess., Feb. 3, 1971.
8. Carl Albert (Okla.).